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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MOTOROLA INC
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EXAMINER

ADDY, ANTHONY S

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/693,247

Applicant(s)

DORSEY ET AL.

Examiner

Anthony S. Addy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 7, 9-16 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7, 9-16 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's request filed on December 21, 2006 for reconsideration of the finality of the rejection of the last Office action and, therefore, the finality of that action is withdrawn. Prosecution is hereby reopened. New grounds of rejections are set forth below. **Claims 1-3, 5, 7, 9-16 and 20** are pending in the present application.

Response to Arguments

2. Applicant's arguments with respect to **claims 1-3, 5, 7, 9-16 and 20** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-3, 5, 7, 9-15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gallagher et al., U.S. Patent Number 7,127,250 (hereinafter Gallagher)** and **Tani., U.S. Publication Number 2003/0157923 A1 (hereinafter Tani)** and further in view of **Marjelund et al., U.S. Publication Number 2003/0003928 A1 (hereinafter Marjelund)**.

Regarding claim 1, Gallagher teaches an emergency call placement method for user equipment in idle mode camped on a first cell of wireless communication network having a first radio access technology (see col. 7, line 64 through col. 8, line 2, col. 16, lines 65-66, col. 18, lines 60-64 and Fig. 21; step (a) shows a MS in idle mode)

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comprising the steps of: requesting a radio resource control connection (see col. 18, line 60 through col. 19, line 5 and Fig. 25; step (b) shows a MS 102 requesting a radio resource control connection); and changing to a new cell in a different location area than the first cell without performing a location area update and without performing a routing area update (see col. 12, lines 55-64, col. 16, lines 33-43 and col. 17, lines 10-14).

Gallagher further teaches the wireless network may support all user services such as an emergency call and requesting a radio resource control connection to support an originated call (see col. 7, line 64 through col. 8, line 2 and col. 18, line 60 through col. 19, line 5 and Fig. 25; step (b)), but fails to explicitly teach using "emergency call" as an establishment request and requesting again a radio resource control connection using "emergency call" as an establishment request.

However, the use of "emergency call" as an establishment request during a radio resource control connection is very well known in the art as taught for example by Tani. Tani teaches using "emergency call" as an establishment request during a radio resource control connection (see p. 7 [0126-0127] and Fig. 6; step 34).

One of ordinary skill in the art further recognizes that since Gallagher teaches the wireless network may support all user services such as an emergency call and the request of a radio resource control connection to support an originated call in combination with the teachings of Tani above, it would be obvious requesting again a radio resource control connection using "emergency call" as an establishment request when the mobile station changes cells as further taught by Marjelund. Marjelund

teaches re-initiating a RRC connection setup procedure after a cell reselection to a new frequency or radio access technology (see p. 3 [0049]).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of using "emergency call" as an establishment request during a radio resource control connection of Tani and re-initiating a RRC connection setup procedure after a cell reselection to a new frequency or radio access technology of Marjelund, to the method of Gallagher to include a method of using "emergency call" as an establishment request and requesting again a radio resource control connection using "emergency call" as an establishment request, in order to promptly process the origination of an emergency call with a higher priority and probability as taught by Tani (see p. 2 [0019-0020]).

Regarding claim 2, the combination of Gallagher, Tani and Marjelund teaches all the limitations of claim 1. Tani further teaches a method further comprising the steps of: receiving a radio resource control connection setup message, after the step of requesting again; completing a radio resource control connection setup, after the step of receiving (see paragraph 0125, line 1 through paragraph 0139, line 8 and Fig. 6); and sending a connection management service request using "emergency call establishment" as a service type (see paragraph 0139, lines 1-8 and Fig. 6; S37)

Regarding claim 3, the combination of Gallagher, Tani and Marjelund teaches all the limitations of claim 1. The combination of Gallagher, Tani and Marjelund further teaches a method, wherein the new cell is in a different location area than the first cell (see *Gallagher*, col. 11, lines 49-55, col. 12, lines 54-64 and *Marjelund*, p. 2 [0026]).

Regarding claim 5, the combination of Gallagher, Tani and Marjelund teaches all the limitations of claim 3. The combination of Gallagher, Tani and Marjelund further teaches a method, wherein the new cell is in a different routing area than the first cell (see *Gallagher*, col. 11, lines 49-55, col. 12, lines 54-64 and *Marjelund*, p. 2 [0026]).

Regarding claim 7, the combination of Gallagher, Tani and Marjelund teaches all the limitations of claim 1. The combination of Gallagher, Tani and Marjelund further teaches a method, wherein the new cell is in a different routing area than the first cell (see *Gallagher*, col. 11, lines 49-55, col. 12, lines 54-64 and *Marjelund*, p. 2 [0026]).

Regarding claim 9, the combination of Gallagher, Tani and Marjelund teaches all the limitations of claim 1. The combination of Gallagher, Tani and Marjelund further teaches a method, wherein the step of changing comprises redirecting to a new cell (see *Gallagher*, col. 11, lines 49-55, col. 12, lines 54-64 and *Marjelund*, p. 2 [0026]).

Regarding claim 10, the combination of Gallagher, Tani and Marjelund teaches all the limitations of claim 1. The combination of Gallagher, Tani and Marjelund further teaches a method, wherein the step of changing comprises reselecting to a new cell (see *Gallagher*, col. 11, lines 49-55, col. 12, lines 54-64 and *Marjelund*, p. 2 [0026]).

Regarding claim 11, the combination of Gallagher, Tani and Marjelund teaches all the limitations of claim 1. The combination of Gallagher, Tani and Marjelund further teaches a method, wherein the new cell has a same carrier frequency as the first cell (see *Marjelund*, p. 2 [0026]).

Regarding claim 12, the combination of Gallagher, Tani and Marjelund teaches all the limitations of claim 1. The combination of Gallagher, Tani and Marjelund further

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teaches a method, wherein the new cell has a different carrier frequency than the first cell (see *Marjelund*, p. 2 [0026]).

Regarding claim 13, the combination of Gallagher, Tani and Marjelund teaches all the limitations of claim 1. The combination of Gallagher, Tani and Marjelund further teaches a method, wherein the new cell has a second radio access technology (see *Marjelund*, p. 2 [0017-0019]).

Regarding claims 14 and 15, the combination of Gallagher, Tani and Marjelund teaches all the limitations of claim 13. The combination of Gallagher, Tani and Marjelund further teaches the first radio access technology is wideband code division multiplex access (WCDMA) and the second radio access technology is Global System for Mobile Communication (GSM) (see *Marjelund*, p. 2 [0017-0019]).

Regarding claim 20, Gallagher teaches a method for user equipment (UE) in idle mode camped on an old cell to place a call with a wireless communication network (see col. 7, line 64 through col. 8, line 2, col. 16, lines 65-66, col. 18, lines 60-64 and Fig. 21; step (a) shows a MS in idle mode) comprising steps of: (a) requesting a radio resource control connection (see col. 18, line 60 through col. 19, line 5 and Fig. 25; step (b) shows a MS 102 requesting a radio resource control connection); (b) changing to a new cell in a different location area than the old cell without performing a steering area update (see col. 12, lines 55-64, col. 16, lines 33-43 and col. 17, lines 10-14); (c) completing a radio resource control connection setup, if a radio resource control connection setup message has been received from the wireless communication network

(see col. 19, lines 1-9 and Fig. 25); and (d) sending a connection management service request (see col. 19, lines 9-11 and Fig. 25; step d).

Gallagher further teaches the wireless network may support all user services such as an emergency call, requesting a radio resource control connection and sending a connection management service request to support an originated call (see col. 7, line 64 through col. 8, line 2 and col. 18, line 60 through col. 19, line 11 and Fig. 25), but fails to explicitly teach using "emergency call" as an establishment cause during requesting a radio resource control connection and sending a connection management service request, wherein step (b) returns to step (a) when the user equipment changes cells.

However, the use of "emergency call" as an establishment request during a radio resource control connection is very well known in the art as taught for example by Tani. Tani teaches using "emergency call" as an establishment cause during requesting a radio resource control connection and sending a connection management service request (see p. 7 [0126-0127 & 0132-0133] and Fig. 6; step 34 & step 37).

One of ordinary skill in the art further recognizes that since Gallagher teaches the wireless network may support all user services such as an emergency call and the request of a radio resource control connection to support an originated call in combination with the teachings of Tani above, it would be obvious wherein step (b) returns to step (a) using "emergency call" as an establishment cause when the mobile station changes cells as further taught by Marjelund. Marjelund teaches re-initiating a

RRC connection setup procedure after a cell reselection to a new frequency or radio access technology (see p. 3 [0049]).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of using "emergency call" as an establishment request during a radio resource control connection of Tani and re-initiating a RRC connection setup procedure after a cell reselection to a new frequency or radio access technology of Marjelund, to the method of Gallagher to include a method of using "emergency call" as an establishment cause during requesting a radio resource control connection and sending a connection management service request, wherein step (b) returns to step (a) when the user equipment changes cells, in order to promptly process the origination of an emergency call with a higher priority and probability as taught by Tani (see p. 2 [0019-0020]).

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Gallagher et al., U.S. Patent Number 7,127,250 (hereinafter Gallagher)** and **Marjelund et al., U.S. Publication Number 2003/0003928 A1 (hereinafter Marjelund)** and further in view of **Tani., U.S. Publication Number 2003/0157923 A1 (hereinafter Tani)**

Regarding claim 16, Gallagher teaches a method for user equipment (UE) in idle mode camped on an old cell to place a call with a wireless communication network (see col. 7, line 64 through col. 8, line 2, col. 16, lines 65-66, col. 18, lines 60-64 and Fig. 21; step (a) shows a MS in idle mode) comprising steps of: (a) requesting a radio resource

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control connection (see col. 18, line 60 through col. 19, line 5 and Fig. 25; step (b) shows a MS 102 requesting a radio resource control connection); (d) reselecting to a new cell in a different location area than the old cell without performing a steering area update, if a neighboring cell provides better service (see col. 12, lines 55-64, col. 16, lines 33-43 and col. 17, lines 10-14); (e) completing a radio resource control connection setup, if a radio resource control connection setup message has been received from the wireless communication network (see col. 19, lines 1-9 and Fig. 25); and (f) sending a connection management service request (see col. 19, lines 9-11 and Fig. 25; step d).

Gallagher teaches (d) reselecting to a new cell in a different location area than the old cell without performing a steering area update, if a neighboring cell provides better service, but fails to explicitly teach returning to step (a); (b) redirecting to a new cell in a different location area than the old cell and returning to step (a) without performing a steering area update, if a radio resource control connection reject message has been received from the wireless communication network with redirection to a new frequency; (c) redirecting to a new cell in a different location area than the old cell and returning to step (a) without performing a steering area update, if a radio resource control connection reject message has been received from the wireless communication network with redirection to a new radio access technology.

In an analogous field of endeavor, Marjelund teaches methods pertaining to a cell reselection in a cellular telecommunication system (d) reselecting to a new cell in a different location area than the old cell without performing a steering area update, if a neighboring cell provides better service and returning to step (a) (see p. 3 [0049]); (b)

redirecting to a new cell in a different location area than the old cell and returning to step (a) without performing a steering area update, if a radio resource control connection reject message has been received from the wireless communication network with redirection to a new frequency (see p. 2 [0015-0017] p. 3 [0049]); (c) redirecting to a new cell in a different location area than the old cell and returning to step (a) without performing a steering area update, if a radio resource control connection reject message has been received from the wireless communication network with redirection to a new radio access technology (see p. 2 [0015-0017] p. 3 [0049]).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of re-initiating a RRC connection setup procedure after a cell reselection to a new frequency or radio access technology as taught by Marjelund, to the method of Gallagher, in order to realize a cell reselection method, which requires only a minimum amount of signaling and allows the network to have some control over the actions of the mobile stations in connection rejection situation as taught by Marjelund (see p. 1 [0012]).

Gallagher further teaches the wireless network may support all user services such as an emergency call, requesting a radio resource control connection and sending a connection management service request to support an originated call (see col. 7, line 64 through col. 8, line 2 and col. 18, line 60 through col. 19, line 11 and Fig. 25), but fails to explicitly teach using "emergency call" as an establishment cause during requesting a radio resource control connection and sending a connection management service request.

However, the use of "emergency call" as an establishment request during a radio resource control connection is very well known in the art as taught for example by Tani. Tani teaches using "emergency call" as an establishment cause during requesting a radio resource control connection and sending a connection management service request (see p. 7 [0126-0127 & 0132-0133] and Fig. 6; step 34 & step 37).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of using "emergency call" as an establishment request during a radio resource control connection of Tani, to the method of Gallagher and Marjelund to include a method of using "emergency call" as an establishment cause during requesting a radio resource control connection and sending a connection management service request, in order to promptly process the origination of an emergency call with a higher priority and probability as taught by Tani (see p. 2 [0019-0020]).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S. Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.S.A



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